

REMARKS

Claims 26-59 and 82-88 are pending in the present application. In a previous Response, Claims 60-81 were canceled without prejudice in view of a restriction requirement and the consequent election of the present claims for prosecution. Claim 28 is amended herein to correct a typographical error and not in response to a rejection or objection. Claims 47 and 49 previously depended from Claim 46, which is canceled herein, (as further described below). Claims 47 and 49 have been amended so that they now depend from independent Claim 26. The amendments to the claims made herein are not intended to narrow the scope of the claims within the meaning of *Festo*¹ or related cases.

The Examiner provides notice of the requirements under 35 U.S.C. § 120 for claiming priority to an earlier-filed application. As amended in a Preliminary amendment filed on February 22, 2002, the present application makes specific reference to the earlier-filed applications and patents to which priority is claimed, in accordance with these requirements.

The Examiner has rejected Claim 46 as allegedly being indefinite under 35 U.S.C. § 112, second paragraph. To further Applicants' business interests and the prosecution of the present application in a manner consistent with the Patent Business Goals (PBG),² and not in acquiescence to the Examiner's arguments and while reserving the right to prosecute the same (or similar) claims in the future, Claim 46 has been cancelled. This rejection is rendered moot in view of Applicants' cancellation of the Claim 46.


¹ *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 122 S. Ct. 1831 (2002)

² 65 Fed. Reg. 54603 (September 8, 2000).

CONCLUSION

For the reasons set forth above, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner believe that a telephone interview would aid in the prosecution of this application, Applicants encourage the Examiner to call the undersigned collect at (618) 218-6900.

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